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Olsons Bar a U.S. Suit on LSD Death; Hope Congress Will Pass Damages Bill

By JOSEPH B. TREASTER

The family of Dr. Frank R. Olson said yesterday that it had decided against suing the Federal Government for his "wrongful death" 22 years ago, after he was given LSD without his knowledge in a test by the Central Intelligence Agency. But they said they hoped Congress would pass a private bill awarding them $1.25 million.

Lawyers for the family said they had been assured that President Ford, the C.I.A. and the Justice Department would support the bill, and a spokesman for Senator Charles McC. Mathias Jr., one of three Congressmen scheduled to introduce the legislation after the Christmas recess in January, said there was "no apparent source of opposition."

In separate statements, the family, their lawyers and the Justice Department agreed that the government in negotiations had presente dwhat appeared to be such a strong legal defense that the Olsons would have lost the case or, at the least, received an award substantially lower than the $1 million or more they had sought.

Support by President

A spokesman for the Justice Department said, however, "The Administration feels there was a certain amount of suffering on the part of the Olson family and they should be legally compensated. The Administration thinks the best remedy would be a private bill introduced into Congress."

One Washington official said that the President was not only supporting the bill, as the White House confirmed, but also "really pushing it."

Shortly after the circumstances of Dr. Olson's death were disclosed last summer—they had been kept from the family and the public for 22 years by the C.I.A.—President Ford invited the Olson's to the White House and told them he felt the incident was "a horrible episode in American history" that was "inexcusable and unforgiveable."

Dr. Olson, a civilian biochemist at the Army's top-secret germ warfare laboratories at Fort Detrick, Md., plunged to his death from a 10th-floor Manhattan hotel room on Nov. 28, 1953. This was less than two weeks after C.I.A. agents had surreptitiously slipped LSD into his after-dinner drink during a conference of Government scientists.

Earlier Declaration

He became extremely upset shortly after receiving the LSD, was escorted to New York for sessions with a psychiatrist and was sharing a room with a C.I.A. employee the morning he died.

Mrs. Olson and her three children, Eric, Lisa and Nils, were told only that Dr. Olson had "jumped or fell" from the hotel window. They did not learn about the C.I.A. involvement and the LSD until the publication last June of the report of the Rockefeller Commission, which had been charged with investigating alleged illegal domestic activities by intelligence agencies.

In announcing in July their intention to sue, the Olsons said they would seek monetary damages, "full disclosure" of the circumstances of the death and a "formal acknowledgement" of the Government's wrongdoing.

During the summer, the C.I.A gave the family its remaining files on the case—some of the material had been destroyed by a high-ranking employee o the agency—along with an affidavit declaring that it possessed no additional information.

David Rudovsky, one of the Olsons' lawyers, said the files, which the family plans to make public eventually, give a "pretty full picture" of what had happened and that he and the family were convinced that nothing more "of any substance" would have been produced in the course of a suit.

In a statement released by Mr. Rudovsky in Philadelphia, the Olsons said that in their meetings with President Ford and William E. Colby, the Director of Central Intelligence, the Government had "formally acknowledged" that the drug tests that caused Frank Olson's death were illegal and unconscionable, adding that they believed their contention had been vindicated.

The disclosure of Dr. Olson's death and his family's efforts to make the circumstances widely known led to a series of Congressional and journalistic investigations that revealed widespread abuses in drug experiments by the military as well as the C.I.A.

Army drug experiments on humans have been suspended, while internal investigations continue. Senator Edward M. Kennedy, Democrat of Massachusetts, has introduced legislation that would require, for the first time, outside supervision of drug-testing programs of the military and the C.I.A.